

103^D CONGRESS
2^D SESSION

H. R. 4716

To provide compensation to certain parties injured under the trade laws
of the United States, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 30, 1994

Mrs. JOHNSON of Connecticut introduced the following bill; which was referred
to the Committee on Ways and Means

A BILL

To provide compensation to certain parties injured under
the trade laws of the United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Antidumping Com-
5 pensation Act of 1994”.

6 **SEC. 2. COMPENSATION AWARDS.**

7 Subtitle C of title VII of the Tariff Act of 1930 is
8 amended by inserting after section 736 the following new
9 section:

1 **“SEC. 736A. COMPENSATION AWARDS.**

2 “(a) DEFINITIONS.—For the purposes of this sec-
3 tion—

4 “(1) the term ‘affected domestic producer’
5 means any manufacturer, producer, or worker rep-
6 resentative that was a petitioner or interested party
7 in support of the petition with respect to which an
8 affirmative injury determination was made in con-
9 nection with an antidumping duty finding or order
10 or countervailing duty order;

11 “(2) the term ‘antidumping duty finding or
12 order’ means an antidumping finding published
13 under the Antidumping Act, 1921, or an antidump-
14 ing duty order published under section 736;

15 “(3) the term ‘Commissioner’ means the Com-
16 missioner of the United States Customs Service;

17 “(4) the term ‘countervailing duty order’ means
18 a countervailing duty order published under section
19 303 or 706; and

20 “(5) the term ‘Secretary’ means the Secretary
21 of the Treasury.

22 “(b) COMPENSATION PROCEDURES.—The Commis-
23 sioner shall prescribe procedures governing when in each
24 year compensation will be provided under this section, ex-
25 cept that such compensation shall be distributed, not later
26 than 30 days after the release of the Annual Report on

1 the Status of the Antidumping/Countervailing Duty Pro-
2 gram.

3 “(c) PARTIES ELIGIBLE FOR COMPENSATION.—

4 “(1) INFORMATION ON PETITIONERS AND
5 OTHER SUPPORTERS OF PETITION.—(A) The Com-
6 mission shall forward to the Commissioner, with re-
7 spect to each antidumping duty finding or order, or
8 a countervailing duty order—

9 “(i) a list of petitioners and those persons
10 that indicated support of the petition by letter
11 or through responses to questionnaires trans-
12 mitted to such persons under this title, and

13 “(ii) a confidential tabulation of the dollar
14 value of sales of the domestic like product cor-
15 responding to the merchandise that is the sub-
16 ject of the order of finding, for each petitioner
17 or person described in clause (i), during the last
18 12-month period covered by the investigation by
19 the Commission that resulted in the order or
20 finding.

21 The confidentiality of the data submitted by the
22 Commission to the Commissioner shall be main-
23 tained. In the case of a countervailing duty order for
24 which no determination of injury was required, the
25 Commissioner shall obtain the information described

1 in clause (ii) from the named petitioners for the
2 most recent calendar year.

3 “(B)(i) Subject to clause (ii), the Commission
4 shall forward the information required by subpara-
5 graph (A) to the Commissioner—

6 “(I) within 60 days after the effective date
7 of this section in the case of an antidumping
8 duty finding or order or a countervailing duty
9 order in effect on such effective date, and

10 “(II) within 60 days after the issuance of
11 an antidumping duty finding or order or a
12 countervailing duty order issued on or after
13 such effective date.

14 “(ii) In the case of a countervailing duty order
15 for which no determination of injury was required,
16 subclause (I) and (II) of clause (i) shall apply by
17 substituting ‘180’ for ‘60’.

18 “(2) PUBLICATION OF NOTICE OF INTENT TO
19 DISTRIBUTE COMPENSATION.—The Commissioner
20 shall publish in the Federal Register, at least 30
21 days before payments are made under the section, a
22 notice of intention to distribute compensation, and
23 the list of persons eligible for such compensation
24 based on the list obtained from the Commission
25 under paragraph (1), and shall request from each

1 prospective recipient a certification that the person
2 desires to receive compensation and the person con-
3 tinues to manufacture the domestic like product in-
4 volved.

5 “(3) DISTRIBUTION.—The Commissioner shall
6 distribute all funds (including all interest earned)
7 from assessments in the completed fiscal year, from
8 the appropriate special compensation account estab-
9 lished under subsection (e), to the persons making
10 the certifications under paragraph (2), in amounts
11 proportionate to the percentage of sales of all such
12 persons that is attributable to such person on the
13 basis of the information supplied by the Commission
14 under paragraph (1).

15 “(d) DEDUCTION OF HISTORICALLY BUDGETED
16 AMOUNT PRIOR TO DISTRIBUTION.—Prior to the distribu-
17 tion of amounts from the special compensation accounts
18 established under subsection (e) in a fiscal year, the Com-
19 missioner shall deduct from the total duties assessed for
20 that fiscal year for all outstanding antidumping findings
21 or orders and all outstanding countervailing duty orders
22 an amount equal to the average of the sums budgeted in
23 the United States budget for fiscal years 1988 through
24 1995 for revenues of the Customs Service. Each special
25 compensation account shall be reduced on a percentage

1 basis, before amounts in the account are distributed, to
2 reflect the percentage of total duty assessments that is de-
3 ducted under the preceding sentence.

4 “(e) SPECIAL COMPENSATION ACCOUNTS.—

5 “(1) ESTABLISHMENT.—Within 14 days after
6 the effective date of this section in the case for anti-
7 dumping duty findings and orders or countervailing
8 duty orders issued before such effective date, and
9 within 14 days after the date on which an antidump-
10 ing duty order or a countervailing duty order takes
11 effect in every other case, the Commissioner shall es-
12 tablish in the Treasury of the United States a spe-
13 cial compensation account with respect to the order
14 or finding.

15 “(2) DEPOSITS INTO ACCOUNTS.—The Commis-
16 sioner shall deposit into a special compensation ac-
17 count all antidumping or countervailing duties, in-
18 cluding interest on such duties, that are collected
19 under the antidumping order or finding or counter-
20 vailing duty order with respect to which the account
21 was established.

22 “(3) AVAILABILITY.—The amounts in a special
23 compensation account shall be available for payment
24 of compensation awards under section (c), after de-
25 duction of the amounts under subsection (d).

1 “(4) TIME AND MANNER OF PAYMENTS.—The
2 Commissioner shall by regulation prescribe the time
3 and manner in which payment of compensation
4 awards from special compensation accounts will be
5 made.

6 “(5) TERMINATION.—Each special compensa-
7 tion account shall remain in existence, and com-
8 pensation awards from such account shall be paid,
9 until the order or finding for which the account was
10 established terminates, and all duties relating to
11 that order or finding are assessed and entries liq-
12 uidated and all funds in the account are distributed
13 to the persons eligible for such compensation
14 awards. Any amounts unable to be distributed within
15 90 days after the time of the final distribution of
16 amounts in the account shall be deposited in the
17 general Treasury.”.

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